

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553

Phone: 1-855-323-2626

**Contra
Costa
County**



John Kopchik
Director

Aruna Bhat
Deputy Director

Jason Crapo
Deputy Director

Maureen Toms
Deputy Director

Kelli Zenn
Business Operations Manager

(925) 674-7205

January 7, 2019

Alice Lee, MD
321 Iron Horse Court
Alamo, CA 94507


RE: County File WA18-0002

This letter acknowledges receipt of your letter of appeal dated December 21, 2018, regarding County File #WA18-0002, which was approved by the County Planning Commission on December 12, 2018.

Your appeal will be heard by the Contra Costa County Board of Supervisors. You will be notified by letter when the hearing has been scheduled. You should be aware that you or your representative should be present at the hearing.

If you have any questions regarding this matter, please call Susan Johnson at 925-674-7868.

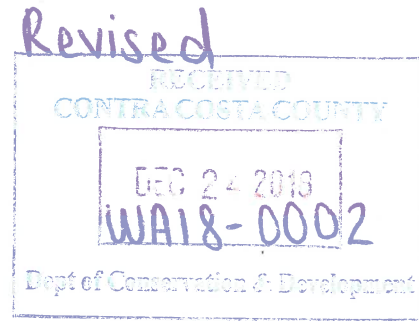
Sincerely yours,


Ruben Hernandez
Principal Planner

cc: Applicant/Owner
File #WA18-0002

Alice Lee, MD
321 Iron Horse Ct.
Alamo, CA 94507

December 21, 2018



Community Development Division
Application and Permit Center
Department of Conservation and Development, Contra Costa County
30 Muir Rd.
Martinez, CA 94553

Re: Wireless Application County File #WA18-0002. (This is a revised appeal letter emailed 12/24/18 to be added to appeal file created 12/21/18. Revision is underlined, under point #4.)

To the Community Development Division:

I am writing to appeal the approval by the Planning Commission of wireless application #WA18-0002 for installation of a small cell antenna near 401 Horsetrail Ct. in Alamo.

I represent my neighbors living on Iron Horse Ct. and Horsetrail Ct.: Randy Winn and Blessings Robertson-Winn, Jarel and Jill Stokes, Tony and Arleen Abarquez, Albert Tsuei (homeowner of 401 Horsetrail Ct.), Julie and Finn Hall, Rich and Donna Milsner, and Elouise Bergen.

Below are 5 reasons we are appealing approval of this application:

1. Alamo is a community characterized by its "bucolic country lifestyle" (per Wikipedia). The cell tower antenna would aesthetically clash with this identifying characteristic of Alamo.
2. The need for the antenna at this time is called into question. At the County Zoning Administrator Public Hearing 10/1/18, the applicant stated that Verizon wanted to install the antennas due to anticipated needs several years from now, not to address any current needs. This community is of a stable size without potential for an increase in population. There is no urgency to approve the applications now, and it is reasonable to allow our County Staff and community to work together with Verizon to finding siting solutions which preserve valued characteristics of our community while also enabling Verizon to achieve legitimate business objectives.

3. Decrease in property values will occur due to the aesthetic clash with what makes Alamo a sought-after location to live. This will negatively affect our public school system, another factor that makes this area a desirable place to live with high property value. The Staff Report to my prior appeal to the Planning Commission responded to this point by stating 1) that they had not been presented with any conclusive data suggesting this effect on property values, and 2) since none of the approval findings in the county wireless ordinance, Section 88, require analysis of the project's impact on property values, the permit could not be denied for that reason. We addressed #1 by providing substantive evidence of property value decline near cell towers/antennas, including formal studies on property values, and professional surveys. Reason #2 is a logical error. Section 88 only lists positive elements needed for approval, but that does not exclude all other reasons from consideration.
4. We oppose the applicant's appeal stating that the condition of annual electromagnetic emissions (EME) measurements is illegal and unenforceable. The County Staff Report response stated that their review of the County wireless ordinance supported the applicant's appeal. The County Staff referred me to the federal Telecom Act of 1996, and the County wireless ordinance code (Chapter 88-24). Review of these show no prohibition on annual measurements in any way. The Zoning Administrator is completely within the County's legal rights in making the condition of approval to include annual EME measurements. The issue of annual measurements divided the Planning Commission and led to commissioners suggesting that the wireless ordinance be updated to address nuances inherent in this new technology. We appeal to the Board of Supervisors to consider this viable solution.
5. The antenna poses fire risk in a high fire risk state where current safety protocols are under question. Cal Fire has officially determined that the cause of 17 of 21 fires in the last year are attributed to utility pole issues. The County Staff Report and the applicant state there is no fire risk because current building and fire safety codes will be maintained. This is not sufficient when current safety codes are in question.

Sincerely,

Alice Lee, MD

Alice Lee, MD
321 Iron Horse Ct.
Alamo, CA 94507

CONTRA COSTA
2018 DEC 21 PM 3:38
APPLICATION & PERMIT CENTER

December 21, 2018

Community Development Division
Application and Permit Center
Department of Conservation and Development, Contra Costa County
30 Muir Rd.
Martinez, CA 94553

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Sincerely,


Alice Lee, MD

Department of
Conservation and
Development

30 Muir Road
Martinez, CA 94553-4601

Phone: 855-323-2626

Contra
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John Kopchik
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Jason Crapo
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Maureen Toms
Deputy Director

Kelli Zenn
Business Operations Manager

PAYER: ALICE LEE
321 IRON HORSE COURT
ALAMO CA 94507

APPLICATION #: CDWA18-00002

TYPE: Wireless Facility

Payment Type: Check
Check Nbr: 2265

ACCOUNT ITEM LIST:

Item #	Description	Total Fees	Current Paid	Total Paid
0047	Appeal (\$125)	\$125.00	\$0.00	\$125.00
0047	Appeal (\$125)	\$125.00	\$0.00	\$125.00
0047	Appeal (\$125)	\$125.00	\$125.00	\$125.00
052B	Notification Fee (\$30)	\$30.00	\$0.00	\$30.00
S-060K	Wireless Facility Access Permit Fee	\$4,000.00	\$0.00	\$4,000.00
Total Fees:		\$4,405.00	Paid:	\$4,405.00
			Balance:	\$0.00

ISSUED BY: MHART92
DATE: 12-21-2018

APPLICATION DESC: Applicant is requesting approval of a wireless access permit for the installation of a 4 ft. antenna on top of an existing utility pole as well as 2 RRUs32, 2 diplexers, 1 fiber demarc box, 1 disconnect switch, 2 power supply units and 1 pole-mounted power meter located in the county right-of-way.

SITE ADDRESS: 401 HORSETRAIL CT, ALAMO, CA 94507-2654

PARCEL: ROW-188-252

NOTES:

Receipt Number: 180016659